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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ROBERT EARLE JOHNSON,

12 Plaintiff,

13 v.

14 RON VAN BOENING, *et al.*,

15 Defendants.

16 CASE NO. C08-5428FDB-KLS

17 ORDER ADOPTING REPORT
18 AND RECOMMENDATION

19 The Court, having reviewed defendants' motion to dismiss (Dkt. #29), plaintiff's amended
20 complaint (Dkt. #40), and order to show cause (Dkt. #38) and the Report and Recommendation of United
21 States Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and
22 the remaining record, does hereby find and ORDER:

23 (1) The Court adopts the Report and Recommendation;
24 (2) Defendants' motion is DENIED; and
25 (3) The Clerk is directed to send copies of this Order to plaintiff, defendants' counsel and
26 Magistrate Judge Karen L. Strombom.

27 DATED this 23th day of March 2009.



28 FRANKLIN D. BURGESS
 UNITED STATES DISTRICT JUDGE